



July 17, 2020

Chairman Aaron Michlewitz
House Committee on Ways and Means
State House Room 243
Boston, MA 02133

Chairwoman Claire D. Cronin
House Committee on the Judiciary
State House Room 136
Boston, MA 02133

Re: Testimony in Support of Police Accountability -- Use of Force Standards, Qualified Immunity Reform, and Prohibitions on Face Surveillance

Dear Chairs Michlewitz and Cronin:

On behalf of Jane Doe Inc., and our 57 community-based member agencies that provide direct services to sexual and domestic violence survivors throughout Massachusetts, we are writing today **in support** of the many provisions in S.2820 designed to increase police accountability.

The highly publicized murder of George Floyd coupled with a legacy of murders of countless Black lives at the hands of police and civilians has compelled so many of us to engage in critical conversations and action about racism and systems of oppression, particularly those that exist in our policing system.

As part of a movement to end gender-based violence, JDI has been called to step into this conversation by confronting the impact of our historic reliance on the criminal justice system as a primary strategy for survivor safety and justice. Black leaders in the movement have long raised concerns regarding over-reliance on this system due to the harm it inflicts on communities of color. As we commit ourselves to do better in listening to survivors of color and strive for racial equity, we are called to stand with the Movement for Black Lives.

JDI has long held racial equity and social justice as key frameworks in our approach to our work to end sexual and domestic violence. Women and girls of color are disproportionately represented in the criminal justice system. Specifically, African American girls are 14% of the general population, but nationally represent 33.2% of girls who are detained. Of incarcerated cis- and transgender women of color, upwards of 80% have experienced some form of physical or sexual violence in their lifetime. This exposure to violence sets in motion the trauma-to-prison pipeline where Black women are often criminalized for survival behavior.

Between FY11 and F18 while the daily population of people in state and county correction facilities dropped 21% and the population of those in county run facilities fell by 16%, the total budget allocation for the MA Department of Correction and county departments rose nearly 25%. This discrepancy drove up the average cost of incarceration and paved the way for an increase in correctional spending. Amidst national and state calls to invest in

community resources and services over policing, we must ask ourselves how and why the Commonwealth has underfunded community-based resources and social services for those most vulnerable amongst us – survivors of trauma. Investing in the care of our community produces outcomes for all.

Omnibus Policing Reform Priorities and Concerns

To this end, we see the provisions of S. 2820 as one step towards reducing the harm of structural violence in Massachusetts. In particular, the following provisions must be included in an Omnibus Policing Reform bill to improve the safety and justice for all people in the Commonwealth.

1. **A complete ban on the most violent of police tactics.** JDI urges the House to include strong use of force standards including a complete ban on the most violent of police tactics—chokeholds, no-knock warrants and tear gas and other chemical weapons. These violent and harmful police tactics need to be prohibited to ensure the safety of all persons who encounter a police officer. We have witnessed time and again the use of chokeholds by police officers against Black men that ultimately lead death. This practice cannot continue. We have also seen the dangers of no-knock warrants through the murder of Breonna Taylor. SWAT teams with no-knock warrants disproportionately terrorize Black and Brown people. Lastly, tear gas and other chemical weapons have been shown to cause serious hormonal disruption, bodily injury and even death. The Commonwealth must not allow these dangerous practices that disproportionately target and harm Black people to continue.
2. **Strict limits on qualified immunity.** It is imperative the House answer the calls of the people to impose strict limits on qualified immunity to ensure that police can be held accountable when they violate people's right. Banning violent police tactics is meaningless if there is no way for people to hold the police accountable if they break the rules.
3. **Ban on the use of facial recognition technology.** We applaud the Senate for including a temporary moratorium on the use of facial recognition technology, however it would automatically expire on December 31, 2021 as written. JDI urges the House to support a ban on the use of dangerous facial recognition technology without a sunset provision. Specifically, we ask that you include **H.1538** in your omnibus bill. Face surveillance technologies have serious racial bias flaws built into their systems. Based on research, we know this technology is extremely poor at accurately recognizing the faces of women and people of color, misclassifying darker-skinned females at an extremely higher rate than lighter-skinned males. These dangerous failings of facial recognition technology serve to supercharge racist policing. Furthermore, all survivors of sexual and domestic violence, and particularly Black survivors, should feel safer accessing services without fear of being wrongfully identified or having their activity monitored.

This Omnibus Policing Reform legislation cannot and should not be seen as a comprehensive solution to the problem of structural racism and abuse of power within

policing systems. There are aspects of this legislation that serve to reduce harm and create a platform from which deeper efforts to transform our communities can continue. If the MA legislature wants to center racial equity during this legislative session, it must consider the this legislation –with a focus on the recommendations made with respect to the above enumerated components – alongside additional reforms that create the conditions necessary to allow Black and Brown residents of the Commonwealth to survive and thrive.

Please do not let this session end without passing additional legislation that comprehensively addresses the harm caused by incarceration and separation of families who are disproportionately Black and Brown. We stand with our partners in Families for Justice as Healing in lifting up the following:

We need to release people from jails and prisons who are most vulnerable to COVID19 by passing **H.4652**, provide no cost calls to incarcerated people by passing **S.1372**, strengthen visitation to our incarcerated community by passing **S.1379/H.2047**, and make sure the parole board has members with social work and mental health backgrounds by passing **S.4607**. We also support a harm reduction approach to substance use rather than more criminalization and punishment. Please pass **S.2717** to establish safe consumption sites in the Commonwealth.

We also need to increase access to driver's licenses in Massachusetts to prevent people from coming into contact with law enforcement, so please pass **S.2641**. Black and Brown communities in the Commonwealth have been hit hardest by COVID19, and we need real protections to keep people in their homes. Please pass **HD.5166** to prevent mass evictions. In the coming budget negotiations, please focus on shifting resources away from policing and incarceration and into Black and Brown communities.

We must heed the calls to action to engage in and dismantle structural racism. It is time to reduce harm in policing practices and shift resources into our communities in order to build a more equitable and just Commonwealth that explicitly values Black lives.

Sincerely,



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